

**NOTICE OF TORT CLAIM  
PURSUANT TO N.J.S.A. 59:8-6**

**To:** Township of Belleville  
Belleville Police Department  
Police Officer Matthew Dox  
Police Officer Charles P. Mollineaux  
Police Officer Angelo Quinn  
Police Officer "John Doe"

**1. Claimant:** Judy Breton, as Administratrix of the Estate of Dante Cespedes, Judy Breton, individually, and Judy Breton as mother and natural guardian of Estefany Abranson-Breton, Melanie Breton, Emely Teresa Cespedes-Breton and Juan Guillermo Cespedes-Breton

**Date of Birth:**

Judy Breton:	June 17, 1980
Estefany Abranson-Breton:	April 1, 1999
Melanie Breton:	February 22, 2002
Emely Teresa Cespedes-Breton:	January 7, 2010
Juan Guillermo Cespedes-Breton:	January 18, 2011

**Social Security No.:**

Due to concerns of identity theft, the claimants decline to publish their respective social security numbers.

Judy Breton:	xxx-xx-xxxx
Estefany Abranson-Breton:	xxx-xx-xxxx
Melanie Breton:	xxx-xx-xxxx
Emely Teresa Cespedes-Breton:	xxx-xx-xxxx
Juan Guillermo Cespedes-Breton:	xxx-xx-xxxx

**If notices and correspondence in connection with this claim are to be sent to a person other than claimant, complete Item #2.**

**2. Name:** The Law Offices of Marc E. Bengualid, PLLC

**Mailing Address:** 330 West 38<sup>th</sup> Street, Suite 305  
New York, NY 10018

**Relationship to Claimant:** Attorney

**3. The occurrence or accident which gave rise to this claim:**

a) **Date:** July 9, 2013

b) **Describe the location or place of the accident or occurrence:**

66 Lake Street, 2<sup>nd</sup> floor Left Apartment, Belleville, NJ 07109, in the decedent's living room.

c) **Describe how the accident or occurrence happened:**

Mr. Dante Cespedes was shot at approximately 30 times by Belleville Police officers (14 times by P.O. Angelo Quinn, 14 times by P.O. Charles P. Mollineaux and 2 times by P.O. Matthew Dox) of which 24 penetrated his torso, arm and face.

d) **State the name and address of the agency or agencies that you claim caused your damage:**

Township of Belleville  
152 Washington Avenue  
Belleville, NJ 07109

Belleville Police Department  
152 Washington Avenue  
Belleville, NJ 07109

e) **State the names of the employees whom you claim were at fault, including any information that will assist in identifying and locating them.**

The employees were members of Belleville Police Department: P.O. Angelo Quinn, P.O. Charles P. Mollineaux, P.O. Matthew Dox and P.O. "John Doe" whose name is in possession of the Belleville Police Department.

**f) State the negligence or wrongful acts of the agency and employees which caused your damage:**

This is a claim for the personal injuries, conscious pain and suffering, emotional distress and wrongful death of Dante Cespedes arising from the negligence, obstruction of justice, abuse of process, assault and battery, aggravated assault, abuse of force, lethal actions, shooting, failing to follow police procedures and violation of 42 USC 1983 and 28 USC 1983 act, police misconduct, police brutality, excessive force, conspiracy to violate claimant's civil rights, aggravated assault and shooting and ultimately death and racial discrimination by the City and Township of Belleville New Jersey and Belleville Police Department, P.O. Angelo Quinn, P.O. Charles P. Mollineaux, P.O. Matthew Dox and P.O. "John Doe" and their agents, servants on or about July 9, 2013.

This claim further arises from the acts and omissions of negligence, through their servants, agents and/or employees, including, negligence and carelessness in hiring, assigning, training, supervising, and disciplining its law enforcement personnel, including the individual police officers involved in this incident; failing to properly hire, assign, train, supervise, and/or discipline individual police personnel; negligently and carelessly failing to follow its own internal police department rules, regulations and procedures, by assaulting, battering and shooting Dante Cespedes to death.

These acts further constitute intentional wrongs, through their servants, agents, and/or employees, include; assault of the Dante Cespedes without justification and or proper cause, failing or refusing to peacefully take into custody Dante Cespedes, intentionally placing the Dante Cespedes in apprehension of imminent harmful and offensive contact and death; having a reckless disregard for the Dante Cespedes's health and well being and life; violations of the Dante Cespedes 's rights under the United State's Constitution, including the 4th, 5th and 14th amendments of the constitution, including, the right to be free from excessive and unreasonable force; by, assaulting, battering and verbally abusing and

shooting to death Dante Cespedes; failing to properly hire, assign, train, supervise, and/or discipline individual police personnel; failing to properly discipline individual police personnel that abused Dante Cespedes; creating a custom and policy of acquiescence in and tolerance of ongoing uses of unconstitutional forces, physical abuse; failure to intervene to prevent, end or truthfully report the unlawful conduct to which Dante Cespedes was subject; intentionally violating its own internal rules, regulations and procedures; with all acts rising to a wanton, intentional, reckless departure from police rules, regulations and standard procedure, and accepted social norms.

**g) State the name and address of all witnesses to the accident or occurrence:**

P.O. Angelo Quinn, P.O. Charles P. Mollineaux, P.O. Matthew Dox and P.O. "John Doe". In addition, there were various agencies who appeared at the scene of the incident including but not limited to: EMS personnel; Medical Examiner and persons from the Medical Examiner office; persons from the Office of the Prosecutor Essex County including Ralph E. Amirata, Esq, assistant Prosecutor and Director of the Homicide Unit for Essex County; personnel from Monmouth Ocean Hospital Service Corp. All of the names and respective addresses of such individuals are within the knowledge of the Township and City of Belleville and of the Police Department of Belleville

**h) State the names of all police officers and police departments who investigated the accident:**

Belleville Police Department. The names of all persons appearing from the Belleville Police Department are known to them including P.O. Angelo Quinn, P.O. Charles P. Mollineaux, P.O. Matthew Dox and P.O. "John Doe". In addition, the Office of the Prosecutor of Essex County was present as well as the Medical Examiner Office and personnel.

**4. a) Claim for Damages:**

Estimated [REDACTED]



b) If you claim personal injury:

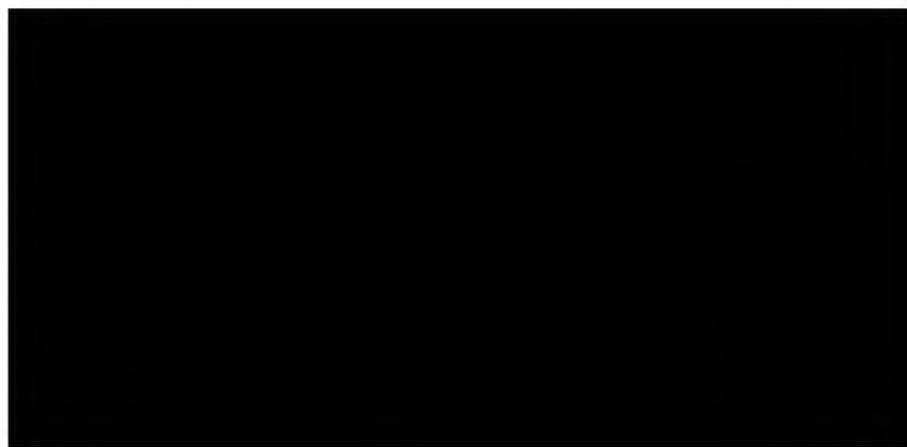
1. Describe your injuries resulting from this accident or occurrence:

The damages include personal injuries, pain and suffering to Dante Cespedes, wrongful death of Dante Cespedes, and loss of support and guidance post traumatic stress disorder to his family, including, fear, shock, depression, anxiety, insomnia, nightmares, and headaches, emotional distress, pain and suffering, psychological damages including but not limited to humiliation and guilt.

2. Do you claim permanent disability resulting from this injury:

At the present time these injuries appear permanent. The extent and duration of such traumatically induced injuries cannot at this time be determined.

3. For each hospital, doctor or other practitioner rendering treatment, examination or diagnostic services, state:



4. Amount of charges to date: To be provided

5. If you claim loss of wages or earnings, state:

a. Name and address of employer.



b. Dates out of work.

7/9/13 to present and continuing

**c. Weekly salary.**

Gross \$696.80

**d. Amount of lost wages claimed.**

Approximately \$7,000.00 and continuing

**e. If any portion of salary was paid or you receive any disability or sick pay, state the total amount received and the name, address and claim or policy number of the payer.**

N/A

**6. Set forth any and all other losses or damages claimed by you.**

Pain and suffering and death of Dante Cespedes. Children lost a father and stepfather and the support of their father and stepfather; Ms. Breton lost the support, companionship and loss of consortium of her husband.

**7. Have you made a claim against anyone else for any of the losses or expenses claimed in this Notice.**

No.

If yes, set forth the name and address of all persons and insurance companies against whom you have made such claims and provide all claim numbers, telephone numbers and names of all claims adjusters handling same.

**8. Are any of the losses or expenses claimed herein covered by any policy of insurance.**

Funeral expenses were paid to Funeraria Las Americas by The Standard Life Insurance Company of New York in the amount of \$9,809.00.

**9. Have you received or agreed to receive any monies from anyone for the damages claimed herein. If yes, state their name, address, claim number, the total consideration involved and attach copies of all written documents involved.**

No

10. The following items must be submitted with this Notice:

a. Copies of itemized bills for each medical expense and other losses and expenses claimed.

To be provided upon receipt

b. Full copies of all appraisals and estimates of property damage claimed by you.

N/A

c. Copies of all written reports of all expert witnesses and treating physicians.

To be provided upon receipt.

d. A letter from your employer verifying your lost wages. If self-employed, a statement showing the calculations of your claimed lost income.

To be provided upon receipt.

e. Sign, date and return medical and hospital authorization attached hereto.

See attached

Law Offices of Marc E. Benqualid, PLLC



Dated: September 11, 2013